

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

Env-Wq 1306.01, Env-Wq 1306.04(a),
Env-Wq 1307.01

1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority:	RSA 487:24
	3. Federal Authority:	N/A
	4. Type of Action:	
	Adoption	_____
	Amendment	<u> X </u>
	Repeal	_____
	Readoption	_____
	Readoption w/amendment	<u> X </u>

5. Short Title: Clean Lakes Program Amendments

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules in Env-Wq 1300 establish a program to control exotic aquatic weeds pursuant to RSA 487:16-a and RSA 487:24, VII. Revisions were made in 2006 to update and clarify the rules and to implement the remaining provisions of RSA 487:16 through RSA 487:24. The amendments proposed in this rulemaking are as follows:

- Env-Wq 1306.01(a): deletes the requirement for a surface water to have public access in order to be eligible for a maintenance project grant. Env-Wq 1306.04(c) awards extra points to surface waters that have public access, so they still will rank higher than those that do not.
- Env-Wq 1306.04(a): allows rivers and streams to be considered as well as lakes and ponds.
- Env-Wq 1307.01: deletes the requirement for a surface water to have public access in order to be eligible for a diagnostic and feasibility study. Env-Wq 1307.04(b) awards extra points to surface waters that have public access, so they still will rank higher than those that do not. This section also is proposed to be restructured to be more readable.

6. (b) Brief description of the groups affected:

The rules will affect any individual or entity that wishes to apply for a maintenance project grant or a diagnostic and feasibility grant under RSA 487:17-25.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State Statute(s) Implemented
Env-Wq 1306.01	RSA 487:17, I(c), II, & III; RSA 487:18, :20, :21
Env-Wq 1306.04(a)	RSA 487:17, :18
Env-Wq 1307.01	RSA 487:17, I(c), II, & III; RSA 487:18, :20, :21

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7. Contact person for copies and questions including requests to accommodate persons with disabilities:

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Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	271-2248
		Fax#:	271-7894
		E-mail:	amy.smagula@des.nh.gov
	The rules also can be viewed in PDF at http://www.des.nh.gov/Rulemaking/	TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, May 8, 2009**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, April 27, 2009 at 9:00 a.m..**
Place: **Room 114, DES Offices, 29 Hazen Drive, Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:037 , dated 3/19/2009
See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

Because there are no costs associated with the proposed amendments, the rules do not create, modify, or expand any program in such a way as to require action by political subdivisions, and so do not require political subdivisions to make any expenditures. The rules thus do not violate Part I, Article 28-a of the N.H. Constitution.